

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60972 of 2023**

Arising Out of PS. Case No.-414 Year-2020 Thana- SARAIYA District- Muzaffarpur

Rahul Rai @ Rahul Yadav @ Diwakar S/O- Upendra Ray R/o Village- Bangri
P.S- Kanti (Panapur OP) Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Advocate

For the Opposite Party/s : Mr. Rajendra Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 20-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 23.05.2023, in connection with Saraiya P.S. Case No. 414 of 2020, F.I.R. dated 26.06.2020 registered for the offences punishable under Section 392 of the Indian Penal Code.

3. The F.I.R. of the occurrence of loot is against unknown.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of confessional statement of co-accused person namely Pramod Kumar and



except the confessional statement of co-accused person, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that nothing has been recovered from the conscious possession or the house of the petitioner and till date no test identification parade was conducted by the prosecution. He further submits that co-accused person namely Pramod Kumar who confessed the name of the petitioner has been granted bail by a Coordinate Bench of this Court vide order dated 18.01.2022 passed in Cr. Misc. No. 46976 of 2021, another co-accused person namely Arun Sahani @ Arun Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 06.12.2021 passed in Cr. Misc. No. 36525 of 2021, another co-accused person namely Ranjeet Kumar @ Ranjeet Sah @ Ranjeet Das has been granted bail by a Coordinate Bench of this Court vide order dated 31.03.2022 passed in Cr. Misc. No. 65048 of 2021 respectively. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 23.05.2023.

5. The learned Additional Public Prosecutor for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries



three more cases other than the present one but fairly submits on the basis of paragraph-3 of the petition that the petitioner is on bail in all the pending cases.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 4th (West), Muzaffarpur in connection with Saraiya P.S. Case No. 414 of 2020, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for



cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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